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Ward No. : 01/2004-2005  
 Nature of acquisition : Permanent  
 Name of village/locality: Barakhamba Road, Connaught Place, New Delhi.  
 Purpose of acquisition : For station facility of MRTS project on Connaught Place- Dwarka Corridor of DMRC Ltd.

These proceedings relate to acquisition of land under section 11 of the Land Acquisition of Land 1894 out of 11 properties as per details given here under, situated on Barakhamba Road, Connaught Place, New Delhi

Sl.No.	Name of the property & Municipal No.	Area in square metre
1.	Nirmal Tower, No.28, Barakhamba Road.	317.81
2.	Ashoka Estate No.26, Barakhamba Road.	131.20
3.	Skeeper Building No.22, Barakhamba Road.	265.20
4.	No.20, Barakhamba Road.	160.92
5.	DCM Building, No.16, Barakhamba Road.	510.21
6.	BMS Tower No.14, Barakhamba Road.	223.02
7.	New Delhi House, No.27, Barakhamba Road.	390.45
8.	Russian Information Centre, No.25, Barakhamba Road.	42.40
9.	Narain Manjil No.23, Barakhamba Road.	584.78
10.	Inderprakash Building No.21, Barakhamba Road.	541.00
11.	Arunachal Bhawan No.19, Barakhamba Road.	82.53
	<b>Total</b>	<b>3249.52</b>

That land was notified u/s 4 & Section 17(1) of the L.A. Act, 1894 vide notification No.F.7(60)/2001/LA/L&B/MRTS/20672 dated 28.03.2003 for a public purpose namely for station facilities of Barakhamba Road- Connaught Place -Dwarka MRTC Corridor. The land also stands notified u/s 6 of the L.A. Act, 1894 vide notification No.F.7(60)/2001/LA/L&B/MRTS/456 dated 17/4.03. Since the provisions of Section 17(1) of the L.A.Act have been invoked, the provisions of Section 5A of the L.A. Act are not applicable to the land under acquisition. Notices u/s 9 & 10 of L.A. Act , 1894 were issued and claims filed by the interested persons are discussed hereinafter under the heading claims. The land is leased out by the Land & Development Office, Nirman Bhawan and the ownership records were also obtained from that office. The property, Nirmal Tower and Ashoka Estate were mentioned as 28 & 26 Barakhamba Road respectively instead of their actual Nos. 26 & 24 respectively. The clerical mistake in notification has been corrected by obtaining clarification from the acquiring agency i.e. D.M.R.C.Limited.

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**Measurement and true area.**

The land acquisition field staff carried out the necessary measurement of the land at the site alongwith the staff of DMRC, Transport Deptt. and Land & Building Deptt. However none was present from Land & Development office. At the time of taking and handing over of the physical possession of the land it was revealed that though 162.92 Sqr.Mtr. was notified for acquisition out of property No.20, Barakhamba Road but only 93.24 Sqr.Mtr. was taken into possession out of this property as the balance 67.68 sq.mtr. was found to be encroachment on right of way and part of already acquired land for Barakhamba Road. Similarly, an area of 42.40 sq. mtr. of land was notified out of property No.26 Russian Information Center but land measuring 18.24 sq. mtr. was found to be an encroachment on right of way and part of already acquired land, therefore, only 24.16 sq. mtr. of land was taken over into physical possession and handed over to Transport Deptt which in turn handed over the possession to DMRC Ltd. The description of the properties under acquisition are given below:

Sl.No.	Name of the property & Municipal No.	Area in sqr. mtr. notified	Area acquired	Area taken into possession
1.	Nirmal Tower, No.26, Barakhamba Road.	317.81	317.81	317.81
2.	Ashoka Estate No.24, Barakhamba Road.	131.20	131.20	131.20
3.	Skipper Building No.22, Barakhamba Road.	265.20	265.20	265.20
4.	No.20, Barakhamba Road.	160.92	93.24	93.24
5.	DCM Building, No.16, Barakhamba Road.	510.21	510.21	510.21
6.	BMS Tower No.14, Barakhamba Road.	223.02	223.02	223.02
7.	New Delhi House, No.27, Barakhamba Road.	390.45	390.45	390.45
8.	Russian Information Centre, No.25, Barakhamba Road.	42.40	24.16	24.16
9.	Narain Manjil No.23, Barakhamba Road.	584.78	584.78	584.78
10.	Inderprakash Building No.21, Barakhamba Road.	541.00	541.00	541.00
11.	Arunachal Bhawan No.19, Barakhamba Road.	82.53	82.53	82.53
	<b>Total</b>	3249.52	3163.60	3163.60

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Possession of 3163.60 sqr. mtr. of land was taken on 22.7.2003 and handed over to Transport Deptt. which in turn handed over the possession to DMRC Ltd. on the same date vide Kabja Karvai report dated 22.7.2003.

### CLAIMS

The under mentioned persons./ firms/ Depptt. have filed their claims, the details of which are as under:

#### No. 1 Claims by private persons

Sl.No.	Name of claimant/owner	Property to which pertains	Area in sqr.mtr.	Details of claims.
I.	M/S Nirmal Tower & others	26, Nirmal Tower	317.81	Rs.3,50,000 per sqr.mtr.
II.	1.Ashoka Estate,	24, Ashoka Estate Pvt.Ltd.	131.20	1. Rs.1,00,000/-Per sqr.mtr.and Rs. 1,00,000/- for 30 trees.
	2.Sh.Jatinder Nath,			2.Rs.1,00,000/-per sqr.mtrs.
	3.Diwan Chand Builders			2. 70 % of the total compensation as Builoders of the property by agreement dt.1/3/1972
III.	None	22, Barakhamba Road Skipper Building	265.20	No claim has been received
IV.	1.M/S R.K.Towers Pvt. Ltd.,	16, DCM . Building, B.K.Road.	510.21 sqr.mtr.	1.Rs.2,00,688/- per sqr.mtr. + Rs.2,50,750/- for damages to building on the basis of agreement dt.13/1/82
	2. DCM Ltd.,			2.Rs.2,00,000/- per sqr mtr.
	3. Sh.Sanjay Goel,			3. Proprotrionate claim
	4.Sh.Dinesh Dayal			4. Rs.1,61,98,000/-total compensation on the basis of agreement dt.22/05/01
V.	No claim received	14, BMS Tower,B.K.Road	223.02	Nil
VI.	MGM International	27, New Delhi House, B.K.Road.	390.45	Rs.2,00,000/- per sqr.mtr.on the basis of decision of company law Board in its favour.
VII	Sh.Tej Pratap Singh	23, Narain	584.78	Rs.1,12,623/- per

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		Manjil, B.K.Road.		sqr.mtr.on current-market price and Rs.3,47,499/- per sqr.mtr. on future potential. Rs.9,60,68,100 for damage to water tank and other utility services and Rs.12,96,100 for damage to landscaping.
III.	1.M/S India Lease Development Ltd.	21, Inder- prakash Building , B.K.Road.	541	1.Rs89,175/-per sqr.mtr. + Rs.28560000 for damages.
	2. M/S Motor and General Finance Ltd.			2. Rs.23063 per sqr. mtr. + Rs.116448000 for damages.
	3. M/S K.P.L. International Ltd.			3. Rs.194750 per sqr mtr.+ Rs.4498000 as damages.
	4. Sh.Sarvesh N. Malhotra			4. Rs.194750 per sqr mtr. + Rs.3,00,000 damages.
	5. Sh.S.L.Khurana, Mrs.Pushpa Khurana, Mr.Sandeep Khurana and Sunil Khurana.			5. Rs.194750 per sqr mtr.
	6.Jai Prakash Sharma			6. Rs.194750 per sqr mtr. + Rs.5,00,000 for damages.
	7. Smt.Neelam Jain and Vipin Jain			7. Rs.194750 + Rs.10,000 for damages
	8. Meera Khurana			8. Rs.194750 + Rs.5,00,000 for damages
	9. M/s Kanopria Chemical Industries Ltd.			9.Rs.194750 per sqr mtr. + 13237600 for damages.
	10. Munish Kapur			10.Rs.30443 per sqr mtr + Rs.1221600 for damages
	11. Lalit Bakshi			11. Rs.194750 per sqr mtr. + Rs.350000 for damages.
	12. M/S R.R.Finance.			12. Rs.194750 per sqr metr. + 2 crore for damages.
	13. Sh.Joginder Kapur			13. On proportionate basis.
	14. Veena Suri			14. On proportionate basis.

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	15. Rohit Anand			15. On proportionate basis.
	16. Vipin Jain & others			16. On proportionate basis.
	17. S.L. Khurana			17. On proportionate basis.
	18. Vijay Kapur			18. Rs. 10,00,000
	19. Shiv Kapur, Yogender Kapur, Madan Lal Khurana, Ajay Khurana, Sangita Bhatia and Sandeep Sachdeva.			19. On proportionate basis 3/8 share.
	20. Kavita Seth & Gaurav Seth			20. 8 lacs.
	21. Rita Narang			21. On proportionate basis.
IX.	1. Kailash Nath & Associates	Property No. 19, Arunachal Bhawan, B.K. Road,	82.53	1. Rs. 3,00,000 per sq. mtr.
	2. Arunachal Apartment Owners Association through its Secretary.			2. On proportionate basis.
X.	1. M/S United Towers (I) Pvt. Ltd.	20, Barahamba Road	93.24 sq. mtrs.	2. Rs. 85,000/- per sq. mtr. & 50 % of the total compensation on the basis of agreement dated 1/7/77 with the original lessees.
	2. Sh. Ramsuchit Tiwari			3. Alternative site for Pan Cigarette Khokha.
XI.	M/S Russian Information Centre	25, Barakhamba Road	24.16	Rs. 57960/- per sq. mtr and Rs. 30,00,000 for opportunity loss and Rs. 325,000 for harassment.

2. Claim by government: L& DO has claimed full compensation in respect of re-entered properties.

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As per land record received from L&D.O out of the above properties the lease in respect of property No. 14,19,21,22,24,26 and 27 have been determined and properties have been re-entered by L&D.O, Govt. of India as intimated vide letter no's mentioned under the heading apportionment.

### MARKET VALUE

1. The lands under acquisition are located in the Connaught Place area, which is well-developed urban locale for a long period. This area is dotted with beautiful constructed commercial buildings, Shopping complexes and private accommodation etc. The pieces of land under acquisition are commercial in nature. These points were kept in mind while arriving at the market values of land under acquisition and are determined with reference to the date of notification u/s 4 of the Land Acquisition Act, 1894 that is 28.03.2003 in the instant case.

2. None of the interested persons filing the claim have submitted any documentary proof in support of their claim of market value of the property and have filed claims up to Rs.3,47,499/- per sq. mtr. which is unrealistic, unreasonable and speculative in nature and as such cannot be accepted.

3. Similarly, the claim towards cost of structures have been very high and not supported by reliable estimates and documentary evidence. Most of them were not evaluated by credible Govt. approved valuer, hence are not accepted to be the basis for arriving at the compensation towards structures. The claims towards other items like defacement of properties, discomfort, loss of business, cost of shifting and transportation are not supported by documentary evidences and lacks scientific basis on which such calculations have been made.

For determining the market value, the sale consideration of the vicinity of the area under acquisition were considered and their sale consideration registered in the office of sub registrar (New Delhi) over a period of 2-3 years were considered and the details are as under:-

S.No.	Registration & Volume No.	Year	Description of property	Amount per Sqr.Mtr.
1	4456/811	9/2002	Shop situated on ground floor measuring 59.06 Sq. Mtr., B-45-47, State Entry Road, Connaught Place	50795.80/-
2	4380,4381 & 4382/808,809,810 respectively	8/2002	Shop with super area 98.164 Sqr. Mtr. situated on upper ground floor mezzanine floor with proportionate terrace right bearing No. M-11, Gokul Nowas, Connaught Circus, New Delhi	52259.48/- by three different sale deeds of Rs. 17,10,000/- each
3	9914/902	3/2003	No. 6 Central Lane, Babar Road, Bangali Mkt., New Delhi on plot	1,25,00,000/- @ 45,303/- per

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		No. 64, Block No. 205 B Measuring 275.92 Sqr. Mtr.	sqr. mtr.
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All these above transactions constituted value of land and structures. The average sale price of these transactions comes to Rs. 49453/-per sqr. mtrs. Since this price includes the cost of structures which are very old, average of 30% of total value is discounted for these structures from the average sale price. Thus the average value for land component only comes to Rs. 34617/- per sqr. mtrs.

Also, the schedule of market price for land in Delhi issued by Ministry of Urban Development Govt. of India vide letter No. J. 22011/4/95-LD dated 16.4.99 was also referred for determining the market value of land under acquisition. The prevailing rates during the corresponding period is Rs. 57960/- per sqr. mtr. for commercial area. There has not been any appreciation in the market price of the land in the locality and land prices are almost stable since the rate fixed by the L&D.O in the year 1999. This is evident from the sale instances quoted along with sale consideration herein above. This appears to be due to the fact that many domestic as well as MNCs have shifted their offices from Connaught Place area because of Traffic congestion and overcrowding to the up coming satellite townships of Gurgaon and Noida. Before determining the amount of compensation, a notice u/s 50 (2) of the Land Acquisition Act was given to D.M.R.C.Ltd. for which land was acquired.

After considering all the above aspects and keeping in view the level of development, locality, situation of the area and in the interest of justice I am of the view that market value of the land acquired is considered to be at Rs. 57960/- per sqr. mtrs. as just and reasonable.

#### VALUATION OF THE STRUCTURE.

The value of structures including permanent structure, boundary wall, gate and any other things should be given as per the valuation report submitted by DMRC Ltd. & duly vetted by PWD Division No. 31. The summary of the values awarded are summarized as under:-

S. No.	Property No.	Valuation No.	Vetted Amount
1	Nirmal Tower, 26, Barakhamba Road	83	1,03,373/-
2	Ashoka Estate, 24, Barakhamba Road	84	47,688/-
3	Skipper Building, 22, Barakhamba Road	85	1,31,474/-
4	20, Barakhamba Road	86	14,792/-
5	DCM Building, No.16, Barakhamba Road	87	1,87,633/-
6	BMS Tower, No.14, Barakhamba Road	88	4,35,460/-
7	New Delhi House, No.27, Barakhamba Road	89	1,46,931/-
8	Russian Information center, 25, Barakhamba Road	90	19,512/-
9	Narain Manzil Building, 23, Barakhamba Road	91	1,16,69,964/-
10	Inder Parkash Building, 21, Barakhamba Road 92	92	57,38,229/-
11	Arunachal Bhawan, 19, Barakhamba Road	93	41,816/-
	Total		Rs. 1,85,36,892/-

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### Compensation of trees

A survey was conducted regarding number of trees on the lands under acquisition and it was found that there were no trees on the properties except on property No. 24, Ashoka Estates that had 26 small trees. These small trees had no commercial value but only ornamental attractions. Keeping in view the cost of sapling, plantation, care and labour involved, value of these small trees is assessed @ 500/- per tree.

### Solatum

30% solatium is payable over and above the market value of land as per amended L.A.Act.

### Additional Compensation

Additional Compensation u/s 23(1/A @ 12% p.a. on the market value of the land be paid from the date of notification U/S 4 of L.A.Act. i.e 28.03.2003 to the date of physical possession of the land which in the case is 22/07/2003.

### Interest u/s 34

Interest u/s 34 is payable from the date of possession till the date of award i.e from 22/07/2003 to 30/06/2004.

### Apportionment

The compensation will be paid to the rightful owners/interested persons on the basis of latest records. In case of any dispute between the parties which is not settled that case would be referred to the Court of A.D.J. Delhi, u/s 30-31 of the L.A.Act.,1894. The details of recorded lessees of the land under acquisition were obtained from the Land& Development Office, Govt. of India, Nirman Bhawan, New Delhi. The property wise details are as under:-

S.No.	Property No.	Name of lessee/occupant	Status of Land	Remarks
1	Nirmal Tower, No.26, B.K.Road	Smt. Premwati & Lalit	Leasehold & sold	Re-entered vide L&D.O letter no.





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		Kr., Sunil Kr., Rakesh Kumar.	out to M/s Nirmal Tower Bldg. Pvt. Ltd.	LI-9/205(2-A)/2003/381 Dt. 28-7-03
	Ashoka Estate, No. 24, B.K. Road	M/s Ashoka Estate Pvt. Ltd.	Leasehold	Re-entered vide Letter No. L&DO/LI- 9/205(3)/03 /385 Dt. 30-7-03
	Skipper Building, No. 22, B.K. Road	Smt. Savitri Devi W/o Sh. Uggar Sain & 16 others	Leasehold	Re-entered vide L&D.O letter No. LI- 9/205(4)/3/386 Dt. 30-7-03
4	No. 20, B.K. Road	1. Sh. Hans Raj Gupta S/o Late Gulraj Gupta. 2. Sh. Dev Raj Gupta S/o Late Gulraj Gupta. 3. Sh. Premraj Gupta S/o Sh. Devraj Gupta 4. Pradip Kr. Gupta S/o Sh. Devraj Gupta. 5. Smt. Lalita Khandelwal W/o Sh. Bhagwan Khandelwal	Leasehold	
5	DCM Bldg. No. 16, B.K. Road	M/s DCM Co. Ltd.	Leasehold	
6	BMS Tower, No. 14, B.K. Road.	Bawa Dhan Singh	Leasehold	Re-entered vide letter No. L&DO/LI- 9/205(8)/3/292 Dt. 6-6-03
7	New Delhi House, No. 27, B.K. Road	New Delhi Hotels Ltd.	Leasehold	Re-entered vide letter No. L&DO/LI- 9/148(50)/3/396 Dt. 8-8-03
8	Russian Information Center, No. 25, B.K. Road.	Govt. of U.S.S.R.	Leasehold	
9	Narain Manzil, No. 23, B.K. Road	Sh. Tej Partap Singh	Leasehold	
10	Inder Parkash Bldg. No. 21,	Smt. Krishna	Leasehold	Re-entered vide

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B.K.Road	Kapoor & 6 others		letter No.L&DO/LI-9/148(47)/3/294 Dt. 9-6-03
Arunachal Bhawan, No.19, B.K.Road	Shr. Dwarka Dass & 5 others	Leasehold	Re-entered vide letter No.L&DO/LI-9/148(46)/3/280 Dt. 29-5-03

In respect of re-entered properties in which lease has been determined and properties vested in the President of India. Land and Development Office, Govt. of India, the persons in possession of the properties and persons claiming to be lessors of the properties have filed the claims. The L&D.O claiming the entire compensation to be awarded in respect of these re-entered properties. The rights conferred on the remaining four permanent lease holders at Sl. No. 4,5,8 & 9 are right to transfer, addition and alteration. Under the circumstances the ratio of apportionment between lessor & lessee is held at 20: 80 i.e 20% to owner i.e L&D.O. & 80 % to the lease holders. Lessee shall be entitled to full compensation for damage to structure.

### SUMMARY OF AWARD

A	Market value of the land for 3163.60 Sqr. Mtr. @ 57960/- per Sqr. Mtrs.	Rs. 18,33,62,256/-
B	Compensation for structure	Rs. 1,85,36,872/-
C	Compensation for Trees	Rs. 13,000/-
D	Solatium 30% on A+B+C	Rs. 6,05,73,638/-
E	Additional benefits 12% U/s 23 (1A) on A+B+C for 116 days (i.e. from date of notification to date of possession)	Rs. 77,00,320/-
F	Interest 9% on Compensation from date of possession to date of 80% payment (41 days) And thereafter in balance amount for 304 days	Rs. 27,31,470/- + Rs. 1,82,71,149/-
G	Total compensation:	Rs. 29,11,88,705/-
H	Less amount already paid:	Rs. 2,64,37,200/-
I	Balance amount payable:	Rs. 26,47,51,505/-

Approved

Secretary (Revenue)

21/6/2004

(Subhash Chandra)  
Land Acquisition Collector  
(SUBHASH CHANDRA)  
Land Acquisition Collector  
Distt: New Delhi

Announced in open court on 30-6-2004 at 4.30 PM

25/6/2004